

CASE NO. 18-73305

IN THE UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD,

Petitioner,

v.

DELTA SANDBLASTING COMPANY,

Respondent,

and

INTERNATIONAL UNION OF PAINTERS AND ALLIED TRADES,
DISTRICT COUNCIL 16,

Proposed Intervenor.

ON APPEAL FROM NATIONAL LABOR RELATIONS BOARD
CASE NO. 367 NLRB. NO. 17, 20-CA-176434 AND 32-CA-180490

**MOTION TO INTERVENE OF INTERNATIONAL UNION OF PAINTERS
AND ALLIED TRADES, DISTRICT COUNCIL 16**

David A. Rosenfeld, Bar No. 058163
Caroline N. Cohen, Bar No. 278154
WEINBERG, ROGER & ROSENFELD
A Professional Corporation
1001 Marina Village Parkway, Suite 200
Alameda, California 94501
Telephone (510) 337-1001
Fax (510) 337-1023

*Attorneys for Proposed Intervenor, INTERNATIONAL UNION OF PAINTERS
AND ALLIED TRADES, DISTRICT COUNCIL 16*

INTERNATIONAL UNION OF PAINTERS AND ALLIED TRADES, DISTRICT COUNCIL 16, the Proposed Intervenor in this matter, hereby moves this Court for an Order permitting it to intervene in support of Petitioner, *National Labor Relations Board* in the proceeding *National Labor Relations Board v. Delta Sandblasting Company, Inc.*

Intervention is sought under Federal Rule of Appellate Procedure 15.

Normally, Charging Parties such as INTERNATIONAL UNION OF PAINTERS AND ALLIED TRADES, DISTRICT COUNCIL 16 are permitted intervention in these proceedings seeking enforcement of an Order of the National Labor Relations Board. See *International Union, UAW, Local 283 v. Scofield* (1965) 382 U.S. 205, 208. Indeed, *Scofield* holds that charging parties such as INTERNATIONAL UNION OF PAINTERS AND ALLIED TRADES, DISTRICT COUNCIL 16 are normally entitled to intervention in the Circuit Court.

Dated: December 31, 2018

Respectfully Submitted,

WEINBERG, ROGER & ROSENFELD
A Professional Corporation

By: /s/ David A. Rosenfeld
David A. Rosenfeld
Caroline N. Cohen

Attorneys for Proposed Intervenor
INTERNATIONAL UNION OF
PAINTERS AND ALLIED TRADES,
DISTRICT COUNCIL 16

PROOF OF SERVICE

I am a citizen of the United States and resident of the State of California. I am employed in the County of Alameda, State of California, in the office of a member of the bar of this Court, at whose direction this service was made. I am over the age of eighteen years and not a party to the within action.

On December 31, 2018, I served the following documents in the manner described below:

MOTION TO INTERVENE OF INTERNATIONAL UNION OF PAINTERS AND ALLIED TRADES, DISTRICT COUNCIL 16

- ☒ (BY ELECTRONIC SERVICE: By electronically mailing a true and correct copy through Weinberg, Roger & Rosenfeld's electronic mail system from kshaw@unioncounsel.net to the email addresses set forth below.

On the following part(ies) in this action:

Mr. Alan Levins
Ms. Courtney M. Osborn
Littler Mendelson, P.C.
333 Bush Street, 34th Floor
San Francisco, CA 94104
alevins@littler.com
cosborn@littler.com

*Attorneys for Shamrock Food
Company*

Ms. Cecily Vix
National Labor Relations Board,
Region 20
901 Market Street, Suite 400
San Francisco, CA 94103-1738
cecily.vix@nrlrb.gov

*Attorneys for National Labor Relations
Board*

Ms. Linda Dreeben
National Labor Relations Board
Appellate and Supreme Court
Litigation Branch
1015 Half Street, SE
Washington, D.C. 20570
appellatecourt@nrlrb.gov

*Attorneys for National Labor Relations
Board*

Ms. Jill Coffman, Regional Director
National Labor Relations Board,
Region 20
901 Market Street, Suite 400
San Francisco, CA 94103-1738
jill.coffman@nrlrb.gov

Ms. Valerie Hardy-Mahoney, Regional
Director
National Labor Relations Board,
Region 32
1301 Clay Street, Suite 300N
Oakland, CA 94612-5224
valerie.hardy-mahoney@nrlb.gov

Ms. Roxanne Rothschild
Executive Secretary
National Labor Relations Board
1015 Half Street, S.E.
Washington, D.C. 20570
roxanne.rothschild@nrlb.gov

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on December 31, 2018, at Alameda, California.

/s/ Katrina Shaw
Katrina Shaw

146728\1003589